

COPY OF PAPERS  
ORIGINALLY FILED

Attorney Docket No. CSLL-624  
56247-188

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: William P. Kelleher et al.  
Serial No. 09/916,419  
Filing Date: July 27, 2001  
Title: FLUORESCENCE DETECTION SYSTEM INCLUDING A PHOTONIC  
BAND GAP STRUCTURE  
Art Unit: 2878

CERTIFICATION UNDER 37 CFR § 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, DC 20231.

Date 5-22-02

Diane Valeta  
Diane Valeta

Assistant Commissioner for Patents  
Washington, DC 20231

RECEIVED

JUL 22 2002

LETTER TO EXAMINER

TC 1700

Enclosed is a copy of our Request to Rescind Previous Non-publication Request (35 USC 122(b)(2)(B)(ii)), which was filed on October 29, 2001. Also enclosed is a copy of the acknowledgement postcard bearing a January 15, 2002 date of receipt. The enclosed copy of the USPTO Filing Receipt dated 4/17/02 for this application does not reflect the Request to Rescind non-publication. Please issue a corrected Filing Receipt.

Thank you for your attention to this matter.

Respectfully submitted,

Elizabeth E. Kim

Elizabeth E. Kim, Reg. No. 43,334  
McDermott, Will, & Emery  
28 State Street  
Boston, MA 02109-1775  
Tel 617-535-4411  
Fax 617-535-3800

Date: May 21, 2002



COPY OF PAPERS  
ORIGINALLY FILED

PTO/SB/36 (4-01)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST TO RESCIND PREVIOUS  
NONPUBLICATION REQUEST  
35 U.S.C. 122(b)(2)(B)(ii)**

Application Number	09/916,419
Filing Date	July 27, 2001
First Named Inventor	Kelleher
Title	FLUORESCENCE DETECTION SYSTEM INCLUDING A PHOTONIC BAND GAP...
Atty Docket Number	CSLL-624
Group Art Unit	2878
Examiner	

I hereby **rescind** the previous request that the above-identified application not be published under 35 U.S.C. 122(b).

October 29, 2001

Date

Elizabeth E. Kim

Signature

**RECEIVED**

JUL 22 2002

Elizabeth E. Kim

Typed or printed name

**TC 1700**

This request must be signed in compliance with 37 CFR 1.33(b).

Note: Filing this rescission of a previous nonpublication request is considered the notice of a subsequent foreign or International filing required by 35 USC 122(b)(2)(B)(iii) and 37 CFR 1.213(c) if this rescission is filed no later than forty-five days (45) days after the date of filing of such foreign or international application. See 37 CFR 1.137(f) if a notice of subsequent foreign or International filing required by 35 USC 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is **not** filed within forty-five days (45) days after the date of filing of the foreign or international application.

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on:

Name (Print/Type) Diane Valeta

Signature Diane Valeta

Date

10/29/01

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(b). The information is used by the public to rescind a previously filed request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that rescission). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



COPY OF PAPERS  
ORIGINALLY FILED

Re Application of: Kelleher

Due Date: 10/30/01

Mailed: 10/29/01

Mailer: dv

For: FLUORESCENCE DETECTION SYSTEM INCLUDING A PHOTONIC BAND GAP  
STRUCTURE

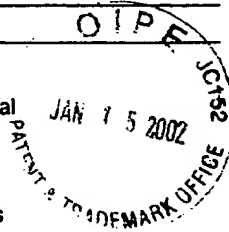
Serial No. 09/916,419

Patent No.

Docket: CSLL-624  
56247-188

In the above matter, the following has been received in the U.S. Patent and Trademark Office on the date stamped hereon.

- |   |  |
|---|--|
| <input type="checkbox"/> Specification, Abstract and<br>( ) Claims — ( ) Total Pages          | <input type="checkbox"/> Extension of time _____           |
| <input type="checkbox"/> Declaration and Power  | <input type="checkbox"/> Amendment _____                   |
| <input type="checkbox"/> Drawing ( sheets)  | <input checked="" type="checkbox"/> Cert. of Mailing \$1.8 |
| <input type="checkbox"/> Assignment _____   | <input type="checkbox"/> Maintenance Fee Transmittal       |
| <input type="checkbox"/> Check \$ _____   | <input type="checkbox"/> Affidavit (w/wo Exhibits)         |
| <input type="checkbox"/> Request for Recordation  | <input type="checkbox"/> Notice of Appeal                  |
| <input type="checkbox"/> Information Disclosure Statement                                     | <input type="checkbox"/> Brief ( ) copies                  |
| <input type="checkbox"/> Small entity verification  | <input type="checkbox"/> Issue fee transmittal             |
| <input checked="" type="checkbox"/> Request to Rescind Previous Nonpublication Request 35 USC | <input type="checkbox"/> Transmittal letter                |
| <input type="checkbox"/> 122(b)(2)(B)(ii)   |  |



RECEIVED

JUL 22 2002

TC 1700

RECEIVED  
JAN 25 2002

MW&F

COPY OF PAPERS  
ORIGINALLY FILED

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/916,419	07/27/2001	2878	429	CSLL-624	4	21	2

Elizabeth E. Kim  
McDermott, Will & Emery  
28 State Street  
Boston, MA 02109

RECEIVED  
APR 23 2002

MW&amp;E

CONFIRMATION NO. 8855

UPDATED FILING RECEIPT



\*OC000000007881054\*

Date Mailed: 04/17/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

William P. Kelleher, Acton, MA;  
Stephen P. Smith, Medford, MA;  
Richard E. Stoner, Framingham, MA;

RECEIVED

JUL 22 2002

## Domestic Priority data as claimed by applicant

THIS APPLN CLAIMS BENEFIT OF 60/244,279 10/30/2000

TC 1700

## Foreign Applications

If Required, Foreign Filing License Granted 10/16/2001

Projected Publication Date: Request for Non-Publication Acknowledged

Non-Publication Request: Yes

Early Publication Request: No

\*\* SMALL ENTITY \*\*

## Title

Fluorescence detection system including a photonic band gap structure

## Preliminary Class

DOCKETED

CM

5/2/02 Corr. Filing Receipt

250

COPY OF PAPERS  
ORIGINALLY FILED

GRANTED

**LICENSE FOR FOREIGN FILING UNDER**  
**Title 35, United States Code, Section 184**  
**Title 37, Code of Federal Regulations, 5.11 & 5.15**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

**RECEIVED**

JUL 22 2002

**TC 1700**